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09/601,150	09/05/2000	Motoki Kobayashi	450101-02197	6966

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EXAMINER

MANNING, JOHN

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 01/20/2004

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/601,150

Applicant(s)

KOBAYASHI ET AL.

Examiner

John Manning

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: ____

DETAILED ACTION

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-2 and 10-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Hatori et al. (US Pat No 5,977,974).

In regard to claim 1 and 10, Hatori et al. discloses an apparatus and method of generating images, which are sequential and arranged spirally. The input means of the system is input/output interface for the file system. The input means is the "disk input/output (I/O) interface for the file system 508 to read and write from/to the harddisk 515. Note, the disk I/O interface (I/F) 514 may be configured so as to be connected to a floppy disk drive and/or to a CD-ROM drive" (Col 4, Lines 37-43). The images are generated such that the image at the second time point is larger than an image at the first time point. The system include image display means, display 302, for displaying the generated images. "In FIG. 4, reference numeral 101 denotes a display window displayed on the display 302; 102, 103, 105a and 105b, data icons representing image data; and 104, a part of time axis rendered with curve, and called "spiral", hereinafter. On the spiral 104, data icons representing data which are sensed or generated at an earlier time than time assigned to the end point of the outermost curve of the spiral are arranged from the outside toward the inside of the spiral in descending order of time" (Col 5, Lines 18-26). Also, "the sizes of data icons representing respective data differ

depending upon their displayed positions, and gradually decrease from the outermost wind to the inner winds of the spiral 104" (Col 5, Lines 56-60).

In regard to claim 2 and 11 the images are generated such that the image at the first time point is earlier than an image at the second time point. "On the spiral 104, data icons representing data which are sensed or generated at an earlier time than time assigned to the end point of the outermost curve of the spiral are arranged from the outside toward the inside of the spiral in descending order of time" (Col 5, Lines 18-26).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 3-7 and 12-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hatori et al. in view of Oosterhout et al. (US Pat No 6,405,371).

In regard to claim 3 and 12, the Hatori et al. reference discloses an information processing apparatus and method that displays image data in a spiral time axis. The reference fails to explicitly disclose the fading of windows at particular points. The Oosterhout et al. reference teaches the fading of sub-images so as to accentuate the non-faded sub-images. "In an advantageous embodiment, the sub-images representing the desired program are distinguished from the others by reducing the visibility of the other sub-images. In this embodiment, the microprocessor causes the brightness mask generator (30 in FIG. 1) to generate a brightness mask signal B which reduces the

brightness of the displayed video signal in those screen areas where the sub-images of the non-desired television programs are displayed" (Col 4, Lines 21-28). Consequently, it would have been clearly obvious to one of ordinary skill in the art to implement the Hatori et al. system with the fading of sub-images so as to accentuate the non-faded sub-images.

In regard to claim 4 and 13, the Hatori et al. reference discloses an information processing apparatus and method that displays movable image data in a spiral time axis. The reference fails to explicitly disclose a frame of predetermined size. The Oosterhout et al. reference teaches a frame of predetermined size responsive to the use input so as to indicate the user selection. "In a step 303, the microprocessor receives cursor control commands from the remote control device and causes the graphics generator to display a cursor on screen. The cursor may take any convenient form. In FIG. 4, the cursor is shown as a framework around a selectable display item, such as a framework 45a around a sub-image or a framework 45b around an on-screen button. While moving the cursor across the sub-images on the mosaic screen with the cursor control keys (261 in FIG. 1), the receiver reproduces the audio signal of the associated television program" (Col 3, Lines 38-48). Consequently, it would have been clearly obvious to one of ordinary skill in the art to implement the Hatori et al. system with a frame of predetermined size responsive to the use input so as to indicate the user selection.

In regard to claims 5-6 and 14-15, the image data moves in both a radial and circumferential direction as defined by a spiral shown in Figure 4, Item 104. "In an

advantageous embodiment, the sub-images representing the desired program are distinguished from the others by reducing the visibility of the other sub-images. In this embodiment, the microprocessor causes the brightness mask generator (30 in FIG. 1) to generate a brightness mask signal B which reduces the brightness of the displayed video signal in those screen areas where the sub-images of the non-desired television programs are displayed" (Col 4, Lines 21-28)

In regard to claim 7 and 16, the Oosterhout et al. reference discloses means for setting focus on a particular sub-image. In a step 303, the microprocessor receives cursor control commands from the remote control device and causes the graphics generator to display a cursor on screen. The cursor may take any convenient form. In FIG. 4, the cursor is shown as a framework around a selectable display item, such as a framework 45a around a sub-image or a framework 45b around an on-screen button. While moving the cursor across the sub-images on the mosaic screen with the cursor control keys (261 in FIG. 1), the receiver reproduces the audio signal of the associated television program" (Col 3, Lines 38-48). Also, "In a step 306, the control program determines which one of the selected display items is activated by the user. If a sub-image is activated, the television program associated therewith is selected for full-screen display" (Col 3, Lines 56-59).

3. Claim 8 and 17 rejected under 35 U.S.C. 103(a) as being unpatentable over Hatori et al. in view of Yeo et al. (US Pat No 6,219,837).

In regard to claim 8 and 17, the Hatori et al. reference discloses information processing apparatus and method that displays image data in a spiral time axis. The

reference fails to explicitly disclose displaying a plurality of indexing images. The Yeo et al. reference teaches the use of indexing images or summary frames so as to provide quick hyperlinking to a past or future portion of the video. "These summary frames depict key scenes from the past which aid the viewer in quickly ascertaining the current plot or theme of the video program" (Col 3, Lines 28-31). Consequently, it would have been clearly obvious to one of ordinary skill in the art to implement the Hatori et al. system with the use of indexing images or summary frames so as to provide quick hyperlinking to a past or future portion of the video.

Claim 9 and 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hatori et al.

In regard to claim 9 and 18, the Hatori et al. reference discloses information processing apparatus and method that displays image data in a spiral time axis. The reference fails to explicitly disclose the generation of a background image, which radially spreads from the center of the spiral. However, it is submitted that it would have been clearly obvious to one of ordinary skill in the art at the time of the invention to implement the Hatori et al. system with generation of a background image, which radially spreads from the center of the spiral so as give perspective in order to give the appearance of depth.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure as follows.

- The Sciammarella et al. (US Pat No. 6,384,869) reference discloses a channel scan function and method of displaying scanned channels
- The Sciammarella et al. (US Pat No. 5,912,668) reference discloses a screen display of a group of images represented by a graphical object
- The Sciammarella et al. (US Pat No. 6,608,633) reference discloses a visual display of categorical information
- The Servan-Schreiber (US Pat No. 5,973,691) reference discloses display of multiple images based on a temporal relationship.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Manning whose telephone number is 703-305-0345. The examiner can normally be reached on M-F: 7:30 - 5:00 (off every other Wednesday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W Miller can be reached on 703-305-4795. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-9695 for regular communications and 703-746-9695 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to customer service whose telephone number is (703) 308-HELP.


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JM

January 12, 2004



JOHN MILLER
SUPERVISORY PATENT EXAMINER
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